DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/22/2009 has been entered.

2. It is noted that the Examiner contacted Applicants' representative proposing amendments to the present claims in order to overcome issues under 35 U.S.C. 112 second paragraph. However, Applicants representative requested that a written Action be mailed out setting forth these issues (see attached Interview Summary Sheet).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 16-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 16 recites the limitations "the reaction medium" in Line 35 and "the dispersion" in Line 36. There is insufficient antecedent basis for these limitations in the claim.

6. Claim 33 recites the limitation "the polymer" in Line 12 and "the resulting polymer" in Line 12. There is insufficient antecedent basis for these limitations in the claim.

Allowable Subject Matter

7. Claims 16-38 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office Action.

8. The present claims are allowable over the closest prior art of record Mallon et al and Jachowicz et al for the following reasons.

Mallon et al discloses a process of forming water soluble cationic polymers from cationic monomers and water soluble monomers in the presence of salt and a polymeric dispersant. However, the reference discloses that the polymer dispersant is a cationic and does not suggest or disclose that the polymeric dispersant is an amphoteric dispersant with an overall negative charge as required in the all the present claims.

Jachowicz et al discloses amphoteric surfactants utilized in combination with cationic polymers. However, the reference does not disclose a process of polymerizing the monomers in the presence of the amphoteric surfactant and salt as required in the all the present claims. Further, while the reference discloses amphoteric surfactants, the reference does not disclose that the amphoteric surfactants have an overall negative charge as required in all the present claims.

Given that Mallon et al and Jachowicz do not suggest or disclose a process of polymerizing monomers in the presence of an amphoteric dispersant having an overall negative

charge, it is clear that Mallon et al and Jachowicz alone or in combination disclose or suggest the process of producing water-soluble cationic polymers recited in the present claims.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEXANDER C. KOLLIAS whose telephone number is (571)-270-3869. The examiner can normally be reached on Monday-Friday, 8:00 AM -5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571)-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. C. K./
Examiner, Art Unit 1796

/Vasu Jagannathan/
Supervisory Patent Examiner, Art Unit 1796